

1 Muriel B. Kaplan, Esq. (SBN 124607)  
Michele R. Stafford, Esq. (SBN 172509)  
2 Shaamini A. Babu, Esq. (SBN 230704)  
SALTZMAN & JOHNSON LAW CORPORATION  
3 120 Howard Street, Suite 520  
San Francisco, CA 94105  
4 (415) 882-7900  
(415) 882-9287–Facsimile  
5 mkaplan@sjlawcorp.com  
mstafford@sjlawcorp.com  
6 sbabu@sjlawcorp.com

7 Attorneys for Plaintiffs,  
8 BAY AREA PAINTERS AND TAPERS  
PENSION FUND, et al.

9  
10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 BAY AREA PAINTERS AND TAPERS  
13 PENSION FUND, et al.;

Case No.: C08-0530 MMC

14 Plaintiffs,

**[PROPOSED] JUDGMENT**

15 v.

16 FRANK WILLIAM MITCHELL, individually  
and dba MITCHELL CONSTRUCTION  
17 DRYWALL METAL STUDS,

18 Defendant.

19 The defendant FRANK WILLIAM MITCHELL, individually and dba MITCHELL  
20 CONSTRUCTION DRYWALL METAL STUDS (‘Defendant’), having failed to plead or otherwise  
21 defend in this action and its default having been entered,  
22

23 Now, upon application of the Plaintiffs and upon declaration that: (1) Defendant has failed  
24 and refused to make any payment of contributions owed to Plaintiffs for hours worked by  
25 Defendant’s employees during the period July 2007 through October 2007, plus liquidated  
26 damages and interest accrued thereon as required by the applicable collective bargaining  
27 agreement; (2) Defendant has been defaulted for failure to appear; and (3) Defendant is neither an  
28

1 infant, nor incompetent, nor in the military service of the United States, it is hereby ORDERED,  
2 ADJUDGED AND DECREED as follows:

3 1. That Plaintiffs recover from Defendant FRANK MITCHELL, individually and dba  
4 MITCHELL CONSTRUCTION DRYWALL METAL STUDS, the sum of \$26,815.37 due and  
5 owing under the terms of the Collective Bargaining Agreement as follows:  
6

7 Contributions, LD, and interest (7/07 - 10/07)	\$22,704.92
8 Attorneys Fees (1/14/08 - 04/03/08)	\$3,494.00
9 Costs of Suit (1/23/08-04/03/08)	\$616.45
10 <b>TOTAL</b>	<b>\$26,815.37</b>
	<b>plus 7% p/a interest</b>

11 2. That interest be awarded on the foregoing balance at the rate of seven percent (7%)  
12 per annum from the date of Judgment until paid.  
13

14 3. That Plaintiffs be awarded additional attorneys' fees and costs they incur relative to  
15 collection of amounts under this Judgment. Plaintiffs may submit a future Declaration to the  
16 Court relative to such amounts claimed due.

17 4. That the Court retain jurisdiction over this matter to enforce the terms of this  
18 Judgment.  
19

20 IT IS SO ORDERED.

21 Dated:\_\_\_\_\_

22 ELIZABETH D. LAPORTE  
23 UNITED STATES MAGISTRATE JUDGE  
24  
25  
26  
27  
28

PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 120 Howard Street, Suite 520, San Francisco, California 94105.

On April 8, 2008, I served the following document(s):

**[PROPOSED] JUDGMENT**

on the interested parties in said action by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Frank Mitchell  
dba Mitchell Construction Drywall Metal Studs  
310 Rancho Murieta Drive, Apt. D  
Vacaville, California 95687**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 8<sup>th</sup> day of April, 2008, at San Francisco, California.

\_\_\_\_\_/s/\_\_\_\_\_  
Vanessa de Fábrega